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PTO/SB/05 (03-01)

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**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	7969-097-999	Total Pages	80
<i>First Named Inventor or Application Identifier</i>			
Jackson and Harris			
Express Mail Label No.	EV 335 858 177 US		

**APPLICATION ELEMENTS**

See MPEP chapters 600 concerning utility patent application contents.

Commissioner for Patents  
P.O. Box 1450  
Mail Stop PATENT APPLICATION  
Alexandria, VA 22313-1450

1. <input checked="" type="checkbox"/> Fee Transmittal Form (Submit an original, and a duplicate for fee processing)	7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
2. <input type="checkbox"/> Applicant claims Small Entity status, see 37 C.F.R. § 1.27	8. <input checked="" type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary) <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> Computer Readable Form (CRF)</li> <li>b. <input checked="" type="checkbox"/> Specification Sequence Listing on:               <ul style="list-style-type: none"> <li>i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or</li> <li>ii. <input checked="" type="checkbox"/> paper</li> </ul> </li> <li>c. <input checked="" type="checkbox"/> Statement verifying identity of above copies</li> </ul>
3. <input checked="" type="checkbox"/> Specification (preferred arrangement set forth below, MPEP 1503.01) <ul style="list-style-type: none"> <li>- Descriptive title of the Invention</li> <li>- Cross Reference to Related Applications</li> <li>- Statement Regarding Fed sponsored R&amp;D</li> <li>- Reference to Microfiche Appendix</li> <li>- Background of the Invention</li> <li>- Brief Summary of the Invention</li> <li>- Brief Description of the Drawings (if filed)</li> <li>- Detailed Description of the Invention (including drawings, if filed)</li> <li>- Claim(s)</li> <li>- Abstract of the Disclosure</li> </ul>	
4. <input checked="" type="checkbox"/> Drawing(s) (35 USC 113) [Total Sheets 2]	9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))
5. <input checked="" type="checkbox"/> Oath or Declaration a. <input type="checkbox"/> Newly executed (original or copy)	10. <input type="checkbox"/> 37 CFR 3.73(b) Statement (when there is an assignee) <input type="checkbox"/> Power of Attorney
b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 18 completed) <ul style="list-style-type: none"> <li>i. <input type="checkbox"/> DELETION OF INVENTOR(S)</li> </ul> Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).	11. <input type="checkbox"/> English Translation Document (if applicable)
6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations
	13. <input checked="" type="checkbox"/> Preliminary Amendment
	14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
	15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)
	16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(i). Applicant must attach form PTO/SB/35 or its equivalent
	17. <input type="checkbox"/> Other:

18. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation  Divisional  Continuation-in-part (CIP) | of prior application No.: 09/388,089 filed August 31, 1999, which claims priority of 60/098,685 filed September 1, 1998

Prior application information: Examiner: S. Devi

Group Art Unit: 1645

**For CONTINUATION OR DIVISIONAL APPS only:** The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS** Customer Number

20583

Insert Customer No.

 Correspondence address below

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Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Prior application: Examiner S. Devi  
Art Unit 1645

Box PATENT APPLICATION  
 Commissioner For Patents  
 PO Box 1450  
 Alexandria, Virginia 22313-1450

Sir:

This is a request for filing a  continuation  divisional application under 37 C.F.R. § 1.53(b), of pending prior application no. 09/388,089, filed August 31, 1999, which claims priority of provisional application number 60/098,685, filed September 1, 1998.

of W. James Jackson and Andrea M. Harris

(inventor(s) currently of record in prior application)

for NEISSERIA MENINGITIDIS POLYPEPTIDE, NUCLEIC ACID SEQUENCE AND USES THEREOF

(title of invention)

1.  Please cancel claims and without prejudice.
2.  Amend the specification by inserting before the first line the following sentence:
  - 3a.  New formal drawings are enclosed.
  - 3b.  Informal drawings are enclosed.
- 4a.  Priority of application no. 60/098,685, filed on September 1, 1998 is claimed under 35 U.S.C. §119(e).
- 4b.  The certified copy has been filed in prior application no. , filed
5.  The prior application is assigned of record to Antex Biologics Inc. at Reel 10218 Frame 0748.
- 6a.  A copy of the Power of Attorney filed in the prior application no. 09/388,089, filed August 31, 1999 is enclosed.
- 6b.  A Power of Attorney is enclosed.
7.  This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior application no. 09/388,089, filed August 31, 1999 be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application.

8.  The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from application no. 09/388,089, filed August 31, 1999 is the same as the content of the computer readable form submitted in application no. 09/388,089, filed August 31, 1999

9.  DO NOT PUBLISH. I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

10.  Additional enclosures or instruction: Preliminary Amendment

Respectfully submitted,

Date December 29, 2003

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Geraldine F. Baldwin (Reg. No.)

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